

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**THERESA C. ARNOLD,**

**Plaintiff,**

**vs.**

**JOHN E. POTTER,  
Postmaster General, United States Postal  
Service,**

**Defendant.**

**Case No. 4:05CV01057 ERW**

**MEMORANDUM AND ORDER**

This matter is before the Court upon the application of Theresa C. Arnold for leave to commence this action without payment of the required filing fee pursuant to 28 U.S.C. § 1915(a)(1). Upon review of plaintiff's financial affidavit, the Court will deny her leave to proceed in forma pauperis.

**Financial Affidavit**

In plaintiff's financial affidavit, she states that (1) she is employed and earns a monthly income of \$1,500.00; (2) in the past 12 months, she has received "other income" in the amount of \$210 monthly for military disability; (3) she currently has no cash on hand or money in a savings or checking account; (4) she owns no valuable property; (5) she is single; and (6) her debts and monthly bills consist of a balance with Ford Motors (\$525.00 per month/\$13,000.00 total debt) and rent of \$500 per month.

**Discussion**

Title 28 U.S.C. § 1915(a)(1) provides, in pertinent part, that "[a]ny court of the United States may authorize the commencement . . . of any suit . . . without payment of fees or

security therefor, by a person who makes affidavit . . . that the person is unable to pay such fees or give security therefor." This statutory provision guarantees that no citizen shall be denied access to the federal courts "solely because . . . poverty makes it impossible . . . to pay or secure the costs" of litigation. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 342 (1948). The decision to grant or deny in forma pauperis status is within the discretion of the district court. *Cross v. General Motors Corp.*, 721 F.2d 1152, 1157 (8th Cir. 1983).

Upon consideration of the financial information provided with the application, the Court finds that plaintiff is financially able to pay the filing fee of Two Hundred and Fifty Dollars (\$250.00). *See* 28 U.S.C. § 1914(a).

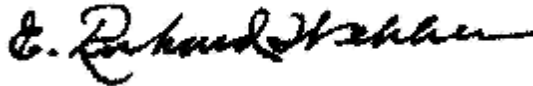
Therefore,

**IT IS HEREBY ORDERED** that plaintiff's motion for leave to proceed in forma pauperis [Doc. #2] is **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff shall have thirty (30) days from the date of this order to pay the \$250.00 filing fee.<sup>1</sup>

**IT IS FURTHER ORDERED** that if plaintiff fails to pay the filing fee within thirty (30) days, the Court will dismiss this action, without prejudice, pursuant to Fed. R. Civ. P. 41(b).

So Ordered this 15<sup>th</sup> Day of July, 2005.



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**E. RICHARD WEBBER**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup>The Court notes that if plaintiff pays the filing fee, she will be responsible for serving the summons and the complaint upon the defendant, see Fed. R. Civ. P. 4(c), or requesting the defendant to waive service of summons. See Fed. R. Civ. P. 4(d). Plaintiff is advised that she may seek guidance on serving the defendant from the Office of the Clerk.